

# EXHIBIT R

TEXAS SECRETARY OF STATE

# Early Voting by Mail (ABBM)



Genevieve “Jean” Gill– Staff Attorney  
Texas Secretary of State – Elections Division  
Law Seminar, November 2018



# TOPICS COVERED

1. Eligibility to Vote by Mail
2. Submitting an ABBM
3. Reviewing, Rejecting, & Accepting ABBMs
4. Mailing balloting materials to voter.
5. Receiving and Securing the ballots by mail.
6. NEW Ballot by Mail Deadlines
7. Early Voting Records

Plus **NEW LAW** throughout.



TEXAS SECRETARY OF STATE

# ELIGIBILITY TO VOTE BY MAIL



# Eligibility to Vote by Mail

- Any qualified voter may vote by mail if Voter:
  - Will be 65 or older on Election Day (Annual or Regular ABBM)
  - Has a Disability (Annual or Regular ABBM)
  - Expects to be absent from County during Early Voting and on Election Day
  - Is Confined in Jail
  - In Address Confidentiality Program
  - Is Military or Dependent of Military & Outside of Home Texas County (FPCA)



TEXAS SECRETARY OF STATE

# SUBMITTING ABBM



# Ways to Vote by Mail

- Three different ways:
  - Application for Ballot by Mail (**ABBM**)
  - Annual Application for Ballot by Mail (**Annual ABBM**)
  - Federal Postcard Application (**FPCA**)



Type	Who Can Use?	Application Delivery	Filing Period	Expiration Date	Ballots Received
Regular ABBM	<ul style="list-style-type: none"> <li>65+ on Eday</li> <li>Disability</li> <li>Absent from County</li> <li>Confined in Jail</li> <li>Address Confidentiality</li> </ul>	<ul style="list-style-type: none"> <li>In person by voter, before EV in person begins</li> <li>Regular Mail</li> <li>Common or Contract Carrier</li> <li>Fax</li> <li>Email (signed, scanned attachment)</li> </ul>	January 1 of calendar year through 11 <sup>th</sup> day before election day for which ballot is requested.	Good for one election only (plus runoff if requested). Expires after the election for which ballot was requested. OR Voter cancels ABBM.	Ballot(s) for election(s) held by early voting clerk to whom application submitted (and runoff ballot, if requested).
Annual ABBM	<ul style="list-style-type: none"> <li>65+ on Eday</li> <li>Disability</li> </ul>	Same as Regular ABBM	January 1 of calendar year*+ *On or before 11 <sup>th</sup> day before Eday, to receive ballot for that election +Up to 60 days before election held in January or February.	December 31 OR Until: <ul style="list-style-type: none"> <li>Voter cancels ABBM</li> <li>Registration cancelled</li> <li>Voter registers in a new county</li> </ul>	All ballots for all elections held by all political subdivisions in the year in which submitted.+
FPCA	<ul style="list-style-type: none"> <li>Military Voter Outside Home Texas County</li> <li>U.S. Citizen Overseas</li> </ul>	<ul style="list-style-type: none"> <li>Regular Mail</li> <li>Common or Contract Carrier</li> <li>Fax</li> <li>Email (signed, scanned attachment)</li> </ul>	January 1 of calendar year*+ *If registered, on or before 11 <sup>th</sup> day before Eday, to receive ballot for that election. If not registered but eligible to register, not later than 20 <sup>th</sup> day before Eday. +Up to 60 days before election held in January or February.	Same as Annual ABBM	All ballots for all elections held by the county, city, or school district, in the year in which submitted (unless eligible for federal ballot only).+



## Methods of Submitting an ABBM

- SOS's official (formal) application (84.011)
- Informal Application (84.002)



# TEXAS SECRETARY OF STATE

## Formal Application – Prescribed by SOS

DO NOT REMOVE PERFORATED TABS. Moisten here and fold bottom to top to seal. DO NOT REMOVE PERFORATED TABS. Moisten here and fold bottom to top to seal.

Application for Ballot by Mail		Prescribed by the Office of the Secretary of State of Texas AS-15 12/17		For Official Use Only VUID #, County Election Precinct #, Statement of Residence, etc.	
1	Last Name (Please print information)	Suffix (Jr., Sr., III, etc)	First Name	Middle Initial	
2	Residence Address: See back of this application for instructions.			City	ZIP Code
3	Mail my ballot to: If mailing address differs from residence address, please complete Box # 7.			City	ZIP Code
4	Date of Birth (mm/dd/yyyy) (Optional)			Contact Information (Optional)* Please list phone number and/or email address: * Used in case our office has questions.	
5	Reason for Voting by Mail: <input type="checkbox"/> 65 years of age or older. (Complete Box #5a) <input type="checkbox"/> Disability. (Complete Box #5a) <input type="checkbox"/> Expected absence from the county. (Complete Box #5b and Box #9) You will receive a ballot for the upcoming election only. <input type="checkbox"/> Confinement in jail. (Complete Box #5b) You will receive a ballot for the upcoming election only.			7 If you are requesting this ballot be mailed to a different address (other than residence), indicate where the ballot will be mailed. See reverse for instructions. <input type="checkbox"/> Mailing Address as listed on my voter registration certificate <input type="checkbox"/> Nursing home, assisted living facility, or long term care facility <input type="checkbox"/> Hospital <input type="checkbox"/> Retirement Center <input type="checkbox"/> Address of the jail <input type="checkbox"/> Relative; relationship <input type="checkbox"/> Address outside the county (see Box #8)	
6a	ONLY Voters 65 Years of Age or Older or Voters with a Disability: If applying for one election, select appropriate box. If applying once for elections in the calendar year, select "Annual Application." <input type="checkbox"/> Annual Application Uniform and Other Elections: <input type="checkbox"/> May Election <input type="checkbox"/> November Election <input type="checkbox"/> Other Primary Elections: You must declare <u>one</u> political party to vote in a primary: <input type="checkbox"/> Democratic Primary <input type="checkbox"/> Republican Primary <input type="checkbox"/> Any Resulting Runoff			8 If you selected "expected absence from the county," see reverse for instructions Date you can begin to receive mail at this address Date of return to residence address 9 Voters may submit a completed, signed, and scanned application to the Early Voting Clerk at: (early voting clerk's e-mail address) (early voting clerk's fax) NOTE: If you fax or e-mail this form, please be aware that you must also mail the form to the early voting clerk within four business days. See "Submitting Application" on the back of this form for additional information.	
6b	ONLY Voters Absent from County or Voters Confined in Jail: You may only apply for a ballot by mail for one election, and any resulting runoff. Please select the appropriate box. Uniform and Other Elections: <input type="checkbox"/> May Election <input type="checkbox"/> November Election <input type="checkbox"/> Other Primary Elections: You must declare <u>one</u> political party to vote in a primary: <input type="checkbox"/> Democratic Primary <input type="checkbox"/> Republican Primary <input type="checkbox"/> Any Resulting Runoff			10 "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime." → X Date SIGN HERE If applicant is unable to sign or make a mark in the presence of a witness, the witness shall complete Box #11.	
If someone helped you to complete this form or mails the form for you, then that person must complete the sections below.					
11 See back for Witness and Assistant definitions. If applicant is unable to mark Box #10 and you are acting as a Witness to that fact, please check this box and sign below. <input type="checkbox"/> If you assisted the applicant in completing this application in the applicant's presence or e-mailed/mailed or faxed the application on behalf of the applicant, please check this box as an Assistant and sign below. <input type="checkbox"/> ★ If you are acting as Witness and Assistant, please check both boxes. Failure to complete this information is a Class A misdemeanor if signature was witnessed or applicant was assisted in completing the application.					
X Signature of Witness/Assistant Street Address Apt Number (if applicable) State			X Printed Name of Witness/Assistant City ZIP Code		
Witness' Relationship to Applicant (Refer to Instructions on back for clarification)					

Este formulario está disponible en Español. Para conseguir la versión en Español favor de llamar sin cargo al 1.800.252.8683 a la oficina del Secretario de Estado o la Secretaría de Votación por Adelantado.



# Informal Application

- ☒ In writing (i.e., not verbal)
- ☒ Signed by applicant or witness
- ☒ Contain Applicant's Name
- ☒ State Registered Residence Address
- ☒ Contain Address that ballot will be mailed to
- ☒ State Grounds for voting by mail
- ☒ Indication of which election application is for and whether it is an annual application



# When to submit an ABBM?

- **First Day to Submit:**
  - **All ABBMs:** January 1
  - **Annual ABBMs:** January 1, or 60 days before January or February Election, good for following year
- **Deadline for Submission**
  - 11<sup>th</sup> day, unless weekend or holiday, in which case previous business day
  - Deadline For May 4<sup>th</sup>, 2019 is Tuesday, April 23, 2019



# Methods of Submission

- ABBMs can be submitted in the following ways:
  - In person by voter, before early voting in person begins
  - Regular Mail
  - Common or Contract Carrier
  - **Fax\*\***
  - **Email\*\***

**\*\*NEW LAW, SB 5 (2017). All ABBMs submitted by fax or email can only be used if the original ABBM is received by the EV Clerk no later than the fourth business day after the transmission. (NEW LAW, SB 5, (1 C.S. 2017).**



## Email Delivery of ABBM

- Voter may send **COMPLETED, SIGNED, SCANNED** ABBM via email to address designated by EV Clerk
- EV Clerk designates email address to be used
- **Reminder** – Submitting via email only holds the date. Emailed ABBM is not sufficient unless the original is also submitted by mail!



# Annual ABBM

- Certain Voters may submit a single Annual ABBM and receive ballots for all elections held by all entities in which the voter is eligible to vote in that calendar year.
- Eligible Voters:
  - ONLY for Voters 65+ or with Disability
  - Applicant must **indicate** they want the ABBM to be an Annual ABBM (not automatic)
  - Voters applying for reason of absence from county do not qualify for Annual ABBM.
- Submitted to the early voting clerk of **ANY** political subdivision, not just to the county early voting clerk. Sec. 86.0015.



## Forwarding Annual ABBMs

- County EV Clerk required to create and maintain a searchable list of all the voters who have submitted Annual ABBMs with the County.
  - **“List of Annual ABBM Voters”**
- County must forward List and scans of Annual ABBMs to all Political Subdivisions in the County that:
  - Are having an election
  - For whom the county is NOT serving as the early voting clerk by law, by contract, or through a joint election agreement.
- NOTE - List and Forwarding procedure only apply to Annual ABBMs, not “single use” ABBMs.





## Pertinent Dates for List & Scans

**Tuesday, March 5, 2019 (60th day before May 4, 2019 election day)** - *Recommended* date for county to send initial List of Annual ABBM Voters (and scans of Annual ABBMs) to Political Subdivisions

We recommend that the List be accompanied by the scanned ABBMs or that the scans follow shortly thereafter, so that entities can check the accuracy of the List.

**Tuesday, April 23, 2019 (11th day before May 4, 2019 election day)** - Last day for county to deliver final List of Annual ABBM Voters and scans of Annual ABBMs  
– *Before* meeting of local EVBB



## Contents of List

- Searchable document from County should contain:
- Voter's name, VUID, Precinct, Residence Address, Mailing Address (if different), date name added to List or changes made, & political subdivisions in which voter eligible to vote.



## Things to Check for on List of Annual ABBMS

- Includes ONLY ANNUALS, not all ABBMs
- No incorrect “Annual” ABBMs - e.g., voting for being out of county, but voter still selected annual
- Only those Annual ABBMS that are for that political subdivisions should be sent to the political subdivision, not all of the Annual ABBMS you have
- Be sure your VR lists are accurate and have the most recent boundaries of the political subdivision
  - NOTE: Political Subdivision still must ensure that each voter on the List is indeed eligible to vote in the political subdivision’s election and to determine which ballot that individual should be sent.



TEXAS SECRETARY OF STATE

# REVIEWING, REJECTING, & ACCEPTING ABBMS



## Reviewing ABBMs

- The EV Clerk should review the following items on an ABBM:
  - Timeliness
  - Proper Delivery (mail, common/contract carrier, fax, in person by voter, email)
  - Correct Clerk (if not, forward)
  - **Registration Status**
  - **Residence and Mailing Address**
  - Additional Considerations
    - outside county, disability, 65 or older



## Registration Status/Mailing Address

- Send balloting materials if:
  - Registered Residence is SAME as OLRV
  - Registered residence is SAME as OLRV but the MAILING ADDRESS is different from registered MAILING address only due to:
    - Voter located out of the county (must include out of county address)
    - Voter in Jail (address must be of jail or relative)
    - Voter in hospital, assisted living facility, nursing home, or living with a relative (then address has to be facility or relative address)
- Send ballot materials + **Statement of Residence** if:
  - Registered residence is Same as OLRV but voter is marked “S” or suspense.
  - Registered residence on ABBM is DIFFERENT from the OLRV but still within county/political subdivision.
    - If residence address on ABBM is not within the county/political subdivision, then EV Clerk should reject ABBM.



## NEW LAW – HB 4034

(85<sup>th</sup> Legislature, R.S., 2017)

- If DOB, DL#, or SSN on ABBM or FPCA is different from what is in VR records, EV Clerk must notify the VR. VR updates VR records accordingly.
  - Recommend Procedure: EV Clerk sends copies of such ABBMs/FPCAs to VR, with a cover letter explaining why the ABBMS are being sent and if possible, with new/changed material highlighted.
  - This should already be happening with FPCAs



## Rejecting Application

- Mail/otherwise deliver “Notice of Rejected Application for Ballot By Mail” (AW5-16)
  - Include new ABBM if original received on or before **18<sup>th</sup>** day before election day
    - Tuesday, April 16, 2019, for May 4, 2019 election
- Keep rejected application in file & attach copy of rejection notice
- This notice may be emailed





## Accepting Application

- Place in Jacket Envelope
- Mail balloting materials to voter
- Place Voter's name on **Roster for Early Voting by Mail**
- Add Voter's name to **Precinct List of Early Voters**
- Make notation on list of registered voters that voter was mailed a ballot
- Enter information into TEAM, if applicable



TEXAS SECRETARY OF STATE

# MAILING BALLOTING MATERIALS



# Mail Balloting Materials to Voter

- Mail to the Voter:
  - Ballot
  - Ballot (Secrecy) envelope
  - Carrier Envelope
    - Be sure that **Voter's Name** and the Name and Date of the Election are entered on the Carrier Envelope prior to mailing to voter)
  - Dear Voter Letter or other special Instructions
  - List of declared write-in candidates, if applicable
  - Statement of Residence, if applicable
  - Notice to Voter who must Provide ID & Reasonable Impediment Declaration Form, if applicable
  - Notice regarding postage, if applicable



## Update “Roster for Early Voting by Mail”

- To show ballot mailed to voter (and later, received back from voter). (87.121)
- **NOTE:** We recommend that you create two rosters for your mail ballots—one for ballots that have been mailed but not returned and a separate list of ballots by mail that have been received. Neither roster should explicitly state that a voter on the list has submitted an Annual ABBM.
  - The name of a voter who has applied for a ballot by mail is not open record until:
    - » the voter has returned their marked ballot by mail to the Early Voting Clerk, OR
    - » The next business day after election day.



# Deadline to Mail Ballots

For Military or Overseas Voters (using FPCA or State ABBM):

- Mail ballots no later than the 45<sup>th</sup> day before election day:
  - Ballots must be mailed by this date or the 7th day after the clerk receives the application. If the early voting clerk cannot meet this 45th-day deadline, the clerk must notify the Secretary of State within 24 hours. (Secs. 86.004(b), 101.104).
- 45 day Deadline to mail ballots for May 4, 2019:  
**Wednesday, March 20, 2019**



# Deadline to Mail Ballots

- For all Other Voters (not Military or Overseas):
  - EV Clerk must mail the balloting materials not later than the 7<sup>th</sup> day after the later of:
    - the date the EV Clerk has accepted a voter's application for a ballot by mail; OR
    - the date the ballots become available for mailing.
  - Mailing the ballots continues on a rolling basis as ABBMs come in and are processed
- If the 7th day after either of these dates is earlier than the 45th day before election day, the voter's ballot must be mailed no later than the **30th** day before election day. (Sec. 86.004(a), as amended by SB 5, 85<sup>th</sup> Legislature, 1<sup>st</sup> C.S., 2017).



## Voting at Residential Care Facilities

- NOTE that Chapter 107 and other pertinent sections of the Election Code pertaining to voting at Residential Care Facilities, enacted by HB 658 (85<sup>th</sup> Legislature, R.S., 2017) were **Repealed** by S.B. 5 (85<sup>th</sup> Legislature, 1<sup>st</sup> C.S., 2017), effective December 1, 2017.
  - Therefore, voters who submit ABBMs requesting that their ballot be sent to a given RCF will have their ballots mailed to them in the normal manner, rather than delivered by RCF Judges.



## Assisting Voter

- A voter may receive assistance with marking/reading ballot if voter has a physical disability/inability to read/mark ballot on their own.
- A voter may also receive assistance in **mailing** their ballot, if the voter is otherwise eligible to receive assistance on voting by mail.
- Assistant **MUST**:
  - Sign written oath, state name/address
- # of individual a person may assist is unlimited if assistant complies with requirements.





## Assisting Voter – Criminal Penalties

- It is a criminal offense if:
  - Assistant does not provide name/address
  - Compensation based on number of voters assisted
  - Unlawful assistance
    - To voter not eligible for assistance
    - Prepares ballot other than voter directs
    - Suggests how voter should vote
    - Voter did not request assistance



TEXAS SECRETARY OF STATE

# RECEIVING AND SECURING THE BALLOTS BY MAIL



# Receiving Early Voting Ballot By Mail

- Submission/Delivery of Carrier Envelope
  - Mail or Common or Contract Carrier
    - EV Clerk must check mail box before end of election day; ballots delivered by 7:00 pm on election night must be counted that night
    - EV Clerk must also check mail box at 5:00 pm, first business day after election day



# Receiving Early Voting Ballot By Mail

- Hand-Delivery By Voter
  - Delivered directly to EV Clerk's Office (**not to a polling place**)
  - By the Voter whose Ballot it is - Cannot be done by Agent or Assistant
  - During the Hours Polls are Open **on Election Day only**
  - Voter Must Show Acceptable ID or complete RID and present Alternate ID
  - Voter signs Roster of Voters Hand-Delivering Carrier Envelope
  - May be done Curbside
  - Secure ballot just as a ballot delivered by any other method



## Receiving Early Voting Ballot By Mail

- Action on timely/properly returned ballots
  - Open delivery envelope, if any (Fed Ex, etc)
  - Place Carrier envelope in jacket envelope
    - Include delivery envelope in jacket, if applicable
  - More than one carrier in delivery envelope
    - Registered at same address?
  - Seal Jacket Envelope, keep in safe place, deliver to EVBB when required
  - Update “Roster for Early Voting by Mail” (and TEAM) to indicate ballot returned by voter.



## Receiving Early Voting Ballot By Mail

- Ballots not timely-returned - or treated as such
  - Ballots received after applicable deadline
    - NEW LAW - Ballots that do not meet receipt requirements of HB 1151 or HB 929 (85<sup>th</sup> Legislature, R.S., 2017)
  - Improperly delivered ballots
    - Deliver Notice of Improper Delivery to voter; voter may present notice and vote on election day
  - Ballots/Carriers illegally possessed by unauthorized individual
- Enter time of receipt on carrier, retain carrier, preserve unopened carrier for retention period.

**NOTE: The above ballots DO NOT GO TO THE EVBB**

- Option for Defective Carrier timely returned
  - E.g., voter fails to sign – 86.011(d)



TEXAS SECRETARY OF STATE

# NEW BALLOT BY MAIL DEADLINES



## NEW LAW – HB 1151 and HB 929

(85<sup>th</sup> Legislature, R.S., 2017)

Together, these bills provide for 3 new time frames to receive ballots from:

1. Non-military or military voters using an **ABBM** voting **domestically**,
2. Non-military or military voters voting from **overseas** using an **ABBM**
3. **Non-military** voters voting from **overseas** using an **FPCA**; and
4. **Military** voters voting domestically or from overseas, using an **FPCA**

NOTE: Military voters will rarely use an ABBM under the circumstances 1 & 2, but *could* do so.

For Time Frames, see our **Fabulous Chart**





Type	Deadline to <u>Receive</u> Voted Ballot For Delivery	Cancellation or Receipt Mark Needed?	Election Code Section amended
<b><u>Regular ABBM/Domestic</u></b> - Military or U.S. citizen voting <u>domestically</u> (within U.S.) using ABBM (not FPCA)	<ul style="list-style-type: none"> <li>- By close of election day (7:00 p.m.) <b>or</b></li> <li>- By 5:00 p.m. the day after election, or next business day (NBD), <u>if</u> day after election is a Saturday, Sunday, or legal state or national holiday</li> <li>➤ “Late Domestic Ballot”</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> <li>• Yes – by 7:00 p.m. at the location of the election on election day</li> </ul>	<p>HB 1151 - 86.007(a)(1)</p> <p>HB 1151 - 86.007(a)(2) &amp; (e)</p>
<b><u>Annual ABBM</u></b> (age or disability, unlikely to submit Annual ABBM instead of FPCA is living overseas)	<ul style="list-style-type: none"> <li>- By close of election day (7:00 p.m.) <b>or</b></li> <li>- By 5:00 p.m. the day after election, or NBD, if applicable.</li> <li>➤ “Late Domestic Ballot”</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> <li>• Yes – by 7:00 p.m. at the location of the election on election day</li> </ul>	<p>HB 1151 - 86.007(a)(1)</p> <p>HB 1151 - 86.007(a)(2) &amp; (e)</p>
<b><u>Regular ABBM/Overseas</u></b> - Military or U.S. citizen voting from <u>overseas</u> , using ABBM (not FPCA)	5 <sup>th</sup> day after election day, or NBD, if applicable	Yes-by 7:00 p.m. at the location of the election on election day	HB 1151 - 86.007(d) & (e)
<b><u>FPCA/Non Military</u></b> - non-military U.S. Citizen voting from <u>overseas</u> , using FPCA	5 <sup>th</sup> day after election day, or NBD, if applicable	Yes-by 7:00 p.m. at the location of the election on election day	HB 1151 - 86.007(d) & (e)
<b><u>FPCA/Military</u></b> – military voter, voting either <u>domestically or from overseas</u> , using FPCA	6 <sup>th</sup> day after election, or NBD, if applicable	<b><u>No</u></b>	HB 929 - 101.057(b)- applies <b>only</b> to members of armed forces & merchant marine of the U.S., their spouse or a dependent

# When to Count Ballots By Mail

## **NEW LAW – HB 1151 and HB 929**

- IF received by 7:00 pm on election day – MUST count on **election night**.
- Domestic late ballots received by **5:00 pm on the day after election day** (or the next business day)\* – **count when EVBB reconvenes after election day to count overseas ballots (no later than 9<sup>th</sup> day after Election Day for election other than General Election for State and County officers)**
- Ballots from Overseas mailed by **Non-Military Voters** who submitted ABBM or FPCA or **Military voters who submitted ABBM** (rare) received by **5<sup>th</sup> day after election day** (or next business day)\* - **count when EVBB reconvenes after election day to count overseas ballots (no later than 9<sup>th</sup> day after Election Day for election other than General Election for State and County officers)**
- Ballots from **Military voters – Domestic OR Overseas who submitted FPCA** received by **6<sup>th</sup> day after election day** (or next business day) - **count when EVBB reconvenes after election day to count overseas ballots (no later than 9<sup>th</sup> day after Election Day for election other than General Election for State and County officers)**

\*Must be postmarked or receipt marked by 7 pm on election day.



# Organization & Security of By Mail Ballots Before Transport to EVBB

- Election Code is silent
- *Recommended* - Store Jacket envelopes (containing carrier envelopes, ABBMs, other documents relevant to the voter's by-mail ballot) in containers in alphabetical order
  - Includes FPCA, signature sheet, etc.
- Store Containers with jacket envelopes in secure location, such as lockable closet
- Do NOT put by-mail ballots and materials in ballot box containing ballots cast in person
- Task key personnel with security of by mail materials; not common access



## Transport of By-Mail Ballots to EVBB

- EV Clerk Posts Notice of Delivery each time ballots are provided to EVBB or SVC
- Communicate with PJ of EVBB or SVC for when delivery should occur
- EV Clerk is responsible for secure transfer of by-mail ballots and materials to PJ of EVBB or Chair of SVC at time designated by PJ or Chair



TEXAS SECRETARY OF STATE

# EARLY VOTING RECORDS



## Early Voting Rosters

- EV Clerks shall maintain roster for each election listing who votes early in person, and who is mailed a ballot by mail.
- Roster must be updated daily.
- **Roster MUST include:**
  - Name, address, VUID
  - Voter's county election precinct of registration
  - Date of voting or **date ballot was mailed to the person**.
  - For mail voters, date
- **Recommendation:** We recommend that you create two rosters for your mail ballots—one for ballots that have been mailed but not returned and a separate list of ballots by mail that have been received.



## Availability of EVBM Records

- Early Voting Rosters
  - Information on the early voting roster for a person to whom a ballot has been mailed is not available until the 1<sup>st</sup> business day after election day. [Sec. 87.121(f)]
    - Except to a voter seeking to verify the accuracy of his or her own ballot by mail. [Sec. 87.121(f)]
    - Except - name of a voter who voted by mail is available no later than the day following the day the early voting clerk receives the ballot. [Sec. 87.121(h)]



# Availability of EVBM Records

## ABBM & Carrier Envelope

- **NEW LAW – HB 2559** (85<sup>th</sup> Legislature, R.S., 2017): A copy of an ABBM **including the Annual ABBM** is not available for public inspection (except to the voter whose application it is) until the first business day after the election day of the **EARLIEST** occurring election (rather than latest) for which the application is submitted. (Sec. 86.014(a), as amended).
  - So it's available after the first election, rather than the last.
- Originals of any ABBMs and Carrier Envelopes are not available for public inspection until those materials are delivered to the custodian after the election. (Sec. 86.014(b)).





TEXAS SECRETARY OF STATE

# Questions?

[elections@sos.texas.gov](mailto:elections@sos.texas.gov)

